

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Christopher M. Palermo

v.

Civil No. 11-cv-337-JL

William Wrenn, Commissioner,
New Hampshire Department of
Corrections et al.

REPORT AND RECOMMENDATION

Before the court is Christopher Palermo's motion to dismiss defendant Paul Casico from this action (doc. no. 30). The motion has been referred to this magistrate judge for proposed findings of fact and a recommendation as to disposition. The court construes the motion as a motion for voluntary dismissal, filed pursuant to Fed. R. Civ. P. 41(a)(2). That rule permits the court to dismiss an action at the plaintiff's request. See id.

Defendants have not objected or otherwise responded to the request. Accordingly, the court recommends that the motion (doc. no. 30) be granted, and that Casico be dismissed from this action without prejudice. See id. ("Unless the order states otherwise, dismissal under this paragraph [] is without prejudice.").

Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b) (2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).



Landya McCafferty
United States Magistrate Judge

September 12, 2012

cc: Christopher M. Palermo, pro se
Brian W. Buonamano, Esq.